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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arnold S. Lippa; Joseph W. Epstein

Title: (-)-1-(3,4-Dichlorophenyl)-3-Azabicyclo[3.1.0] Hexane,
Compositions Thereof, and Uses As A Dopamine
Reuptake Inhibitor

Serial No.: 10/764,373

Filing Date: January 23, 2004

Atty. Dk. No.: DOVP-1-0604

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited in the United States Postal Service as First Class mail in an envelope addressed to: Commissioner for Patents, P O Box 1450, Alexandria, VA 22313-1450, on this 30th day of June, 2006.


Susan M. Wanger

REQUEST FOR REFUND OF EXCESS PAYMENT (37 CFR 1.28)

TO THE COMMISSIONER FOR PATENTS:

The undersigned, as attorney of record for the inventors identified above, with respect to the instant patent application, hereby requests that applicants' Deposit Account charge of \$130.00 (Fee Code 1814) for submission of a Terminal Disclaimer, filed on April 4, 2006, be refunded pursuant to 37 CFR 1.28. The correct amount of the charge should have been \$65.00.

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The applicant qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. The applicant was erroneously charged large entity fees. A copy of the Deposit Account Statement listing the charges is also enclosed.

Please issue an immediate credit/refund in the amount of \$65.00 to Deposit Account 50-1050.

Should there be any question concerning this Request, a call to the undersigned attorney is encouraged.

DATED this 30th day of June, 2006.

Respectfully submitted,

BLACK LOWE & GRAHAM PLLC

By _____

Jeffrey J. King, Esq.
Registration No. 38,515
Attorneys for Applicant
701 Fifth Avenue – Suite 4800
Seattle, WA 98104
Telephone: (206) 381-3300
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Applicant: Arnold S. Lippa; Joseph W. Epstein

Title: (-)-1-(3,4-Dichlorophenyl)-3-Azabicyclo[3.1.0] Hexane,
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Susan M. Wanger
Susan M. Wanger

Enclosures:

Request For Refund of Excess Payment (37 CFR 1.28)

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PTO/SB/25 (10-05)

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Docket Number (Optional)

DOVP-1-0804 (2370-006-07)

In re Application of: Arnold S. Lippe; Joseph W. Epstein

Application No.: 10/784,373

Filed: January 23, 2004

For: (-)-1-(3,4-Dichlorophenyl)-3-Azabicyclo[3.1.0]Hexane, Compositions Thereof, And Uses As A Dopamine-Reuptake Inhibitor

The owner, Jay PHARMACEUTICAL INC., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Number 10/784,371 filed on January 23, 2004, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on said reference application, "as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that any such patent granted on the pending reference application expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

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2. The undersigned is an attorney or agent of record. Reg. No. 38,615

Signature

April 4, 2006
DateJeffrey J. Klein
Typed or printed name(208) 381-3300
Telephone Number

- Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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